

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

M6 Marketing, LLC,

CASE NO. 5:24-cv-00896-PAB

Plaintiff,

-vs-

JUDGE PAMELA BARKER

Mallory McQuate, et al.,

**MEMORANDUM ORDER AND
OPINION**

Defendants.

This Court ordered Plaintiff M6 to file a supplement setting “forth sufficient evidence for the Court to find that Defendant Kirkwood was properly served at 7707 Auburn Street, Detroit, Michigan 48228 on August 5, 2024[.]” (Non-Doc Entry of Jan. 14, 2025.)¹ Plaintiff M6’s Supplement shows that Defendant Kirkwood has a relationship with Defendant Tashawn Jones, but it does not provide the Court with any evidence that Defendant Kirkwood has a relationship to 7707 Auburn Street, Detroit, Michigan 48228. The Verification of Insurance shows only an address of 8541 Sussex St., Detroit, Michigan 48228. The Insurance ID Card does not include an address. Plaintiff M6 concedes that the Supplement shows only a “likelihood of physical presence of Kirkwood in Michigan[.]” (Doc. No. 17 at PageID# 102.) The Court concludes that Plaintiff M6 has failed to provide sufficient evidence that Defendant Kirkwood was properly served. Therefore, the Court hereby VACATES the Entry of Default against Defendant Kirkwood (Doc. No. 12) and DENIES the Motion for Default Judgment against Defendant Kirkwood (Doc. No. 13.) As Plaintiff M6 has not perfected service on

¹ After M6 missed the January 21, 2025 deadline, the Court extended the deadline to 4:30 PM on January 23, 2025. (Non-Doc Entry of Jan. 22, 2025.) M6 has now timely filed its Supplement. (Doc. No. 17.)

any Defendant within the time limit set forth by Fed. R. Civ. P. 4(m), this action is DISMISSED WITHOUT PREJUDICE. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

Date: January 24, 2025

s/Pamela A. Barker

PAMELA A. BARKER
U. S. DISTRICT JUDGE